

APR 13 2009

Robert A. Boonin
734 213 3601
boonin@butzel.com

Suite 300 350 South Main Street
Ann Arbor, Michigan 48104
T: 734 995 3110 F: 734 995 1777
butzel.com

April 8, 2009

Mr. Chris E. Davis, Attorney
Michigan Protection & Advocacy Service, Inc.
Livonia Corporate Towers
29200 Vassar Boulevard, Ste. 200
Livonia, MI 48152-2116

RE: *Fialka-Feldman v. Oakland University*
Case No. 2:08-cv-14922

Dear Mr. Davis:

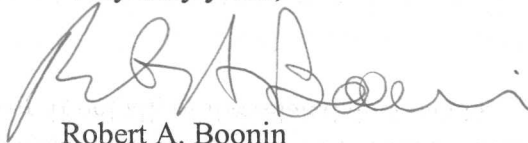
This letter is in response to your letter dated April 6, 2009 in which you ask for your client's housing file and a deadline for initial disclosures.

As to the housing file, I am sure that the file (including the application) will be provided in the normal course of discovery which, under the court rules, is still not formally underway. When that obligation ripens we will respond accordingly. I do seem to recall, though, that you already have the application and most, if not all, of the related documents.

As to the initial disclosures, I do not believe that it would be appropriate for those to be made until after a Discovery Plan is agreed to pursuant to Rule 26(f). Details as to that Plan will have to be worked out and those details may include what is to be disclosed under Rule 26(a). At this time, though, it seems premature for us to go down that route since – due to your pending motion – we still do not know who the proper defendants are for each claim. It seems more appropriate to wait for both the Court's ruling on that motion and an order scheduling a Rule 16 pretrial conference before working on a Rule 26(f) Discovery Plan.

If you wish to discuss this further, please let me know.

Very truly yours,



Robert A. Boonin

cc: Victor Zambardi, Esq.